
**THE JFK ASSASSINATION AND THE FAILURE OF INSTITUTIONS:
THE SOCIOLOGICAL SIGNIFICANCE OF A MAJOR HISTORICAL EVENT**

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Presented at:

Society for the Study of Social Problems
Washington, D.C.

August 18, 1995

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Introduction

The assassination of President John F. Kennedy on November 22, 1963 was one of those defining moments in American history which deeply affected the people of this country and the world. A young, intelligent, dynamic, and charismatic leader, he was loved and admired by many the world over. His murder was a shock, and left among many a feeling of personal loss. The murder of the John F. Kennedy, however, was not just a murder, not just the death of a widely-loved person. More importantly, it also had profound implications for the institutions on which our society depends and through which we live. The assassination itself, whether brought about by an organized conspiracy or a lone-nut gunman, was, in effect, a *coup d'etat*. As Harold Weisberg has noted, "It was a political crime and, whether by design or not, was followed by political changes within this country and without." (Weisberg, 1965:ix) ¹ Perhaps most notable among these changes was the cancellation and eventual reversal of Kennedy's cautious moves toward disengagement from Vietnam. (See, e.g., Newman, 1992)

As President of the United States, John F. Kennedy occupied an office vested with enormous power, both real and symbolic. (Guth and Wrone, 1980:xi) His murder did violence not just to an individual but to a fundamental tenet of democracy. As the Bellah *et al.* (1991:3) note in *The Good Society*, "Democracy requires a

¹The work of Harold Weisberg constitutes the major source of data used in this paper. This is not merely because Weisberg has written more extensively and authoritatively than anyone else on the assassination of President Kennedy. It is also because Weisberg has compiled an archive of once secret documents on the case that exceeds a quarter of a million pages. These documents were the fruit of his years of expensive and exhaustive suits under the Freedom of Information Act. His books are based on these documents, and he provides access to all. He has nearly single-handedly built a historical record on this case. Unless otherwise indicated, the documents referred to herein are from Weisberg.

degree of trust that we often take for granted," trust that political debate and change can be accomplished peacefully, without threats or violence.

Beyond the destabilizing institutional consequences of the assassination itself, an even more threatening chain of events unfolded as America, both officially and unofficially, tried to get to the bottom of what happened and to discover who was ultimately responsible. With the death of the prime suspect, Lee Harvey Oswald, less than 48 hours after his arrest, there obviously could not be a trial and a public airing and testing of the evidence in the case. In lieu of this, a government commission, which came to be known as the Warren Commission, was established to look into all the facts surrounding the assassination. (See Appendix, Exhibit A) The Warren Commission, along with the Secret Service and especially the F.B.I., investigated this case for nearly a year.² Although significant discrepancies exist among their separate reports,³ all concluded that Lee Harvey Oswald was the sole assassin. He, alone and unaided, killed President Kennedy and severely wounded Governor Connally who rode in the same limousine with the President.

That conclusion, we contend, as have responsible critics⁴ throughout the history of the Kennedy assassination controversy, was based not on evidence but on a presumption of Oswald's guilt. As early as 1965, Harold Weisberg, in his pioneering critical analysis of the *Warren Report* entitled *Whitewash: The Report on the Warren Report*, demonstrated that the Commission's own evidence stood in blatant contradiction to the conclusions it drew. An even more devastating picture of deceit and cover-up began to emerge as suppressed documents were disclosed through Freedom of Information Act (FOIA) requests and litigation.⁵ Indeed, it became clear that there

²Even after the *Warren Report* was published and released to the public on Sept. 27, 1964, the F.B.I. continued to investigate, which seems strange considering the fact that the Report was supposed to have definitively closed the case. (See especially, Weisberg, 1966)

³Neither the F.B.I.'s nor the Secret Service's account of the shooting includes the "single-bullet theory." But, as we will see, it is absolutely essential to the Warren Commission's "solution."

⁴As Guth and Wrone observe: "The single most important characteristic making these critics responsible is their common goal to define, secure, and expose documentary evidence in this murder case, *most* of which governmental agencies choose to keep controlled and secret." (1980:xxvi)

⁵Harold Weisberg discusses many of these records for the first time in his recently released *Never Again!: The Government Conspiracy in the JFK Assassination*. (1995)

never was any real interest in investigating the crime; the government's overriding concern was to pin it all on the dead Oswald.

The possible motives for this range from the relatively benign rationale of national security, to the more reprehensible bureaucratic protection and promotion, especially in the case of the F.B.I., to the most disturbing and destructive motive of protecting those actually involved. Whatever the motive or motives, the facts demonstrate a massive institutional failure, extending well beyond the Warren Commission itself, to determine who killed President Kennedy and why.

In his authoritative and well-documented analysis of the Kennedy assassination, Howard Roffman wrote:

Whoever killed President John F. Kennedy got away with it because the Warren Commission, the executive commission responsible for investigating the murder, engaged in a cover-up of the truth and issued a report that misrepresented or distorted almost every relevant fact about the crime. The Warren Commission, in turn, got away with disseminating falsehood and covering up because virtually every institution in our society that is supposed to make sure that the government works properly and honestly failed to function in the face of a profound challenge; the Congress, the law, and the press all failed to do a single meaningful thing to correct the massive abuse committed by the Warren Commission. (1975:9)

Writing on the heels of Watergate, Roffman adds, "To anyone who understood these basic facts, and there were few who did, the frightening abuses of the Nixon Administration that have come to be known as 'Watergate' were not unexpected and were surprising only by their nature and degree." (1975:9)

It is the basic hypothesis of this paper that of all the sociologically significant aspects of the Kennedy assassination and its aftermath, none is more significant than the institutional implications to which Roffman refers. Sociologists have long recognized the centrality of institutions to both the life of the society and the life of the person.⁶ When institutions malfunction, the continued existence of society is undermined, as are the lives of people

⁶There are, of course, many issues involved in the defining the nature of institutions, as well as their meaning and significance for the person and society. Although a discussion of these is beyond the scope of this paper, we suggest that the idea of institution developed by the founder of human ecology, the Chicago School sociologist, Roderick D. McKenzie represents a valuable insight. McKenzie suggested that institutions are the fundamental units of modern social life and, thus, need to be the focus of our analysis. (McKenzie, 1936) See also

who live and work through these larger institutional structures. In terms of the maintenance and organization of society, polity is arguably the most fundamental institution. And it is through the political structures that society as a whole is organized and the appropriate functioning of other institutions is ensured. It is the failure of the political institution and aspects of other institutions as they relate to it that is most evident in an analysis of the institutional response to the assassination of President Kennedy.

This paper represents a modest effort to draw out some of the implications of this failure of institutions as it relates specifically to the Kennedy assassination.⁷ We will point to several examples of this institutional failure. First, we will examine the failure of various governmental institutions. These include most importantly the Warren Commission itself, law enforcement institutions, principally the Dallas police and the F.B.I.; the legal profession and judiciary, including the lawyers who constituted the staff of the Warren Commission and judges who sanctioned government secrecy, suppression, and deception. Secondly, we will examine several of those institutions whose social functions include, as Roffman put it, "mak[ing] sure that the government works properly and honestly." These include principally the media, broadly including both television and the print media; the publishing industry as the forum for the dissemination of critical scholarship; the scientific community, mainly as represented by the forensic pathology involved in the case; and the academy whose critical thought and analysis of society and its institutions is essential to their proper functioning.

Liazos (1972) and his discussion of the importance of focusing on institutional as opposed to individual deviance. More recently, several important insights are found in Bellah et al. (1991: 3-18) particularly in their Introduction, "We Live Through Institutions." Finally, the writings of American social philosopher, Elijah Jordan, offers, we believe, the most insightful discussion of the importance of institutions. (MacDonald, 1994; Jordan, 1927)

⁷It is important to note that this paper will not and cannot address the questions of who in fact killed President Kennedy and why? Given the fact that the crime itself was not properly investigated to begin with, along with the simple passage of time, those questions may never be answered. Nonetheless, much can be learned from readily available information about how major institutions in our society failed in the face of the profound challenge of getting to the bottom of this great tragedy.

The Failure of Government to Investigate the Crime

Most basic among the obligations of government in the face of this profound crisis was a thorough investigation of the crime to determine the truth and bring to justice the perpetrators. Two major "investigations" of the assassination were undertaken by the federal government shortly after the assassination, the first by the Federal Bureau of Investigation and the second by the so-called Warren Commission.

Just as federal power was invoked to take the President's body out of Dallas before an autopsy could be performed locally, as required by law, so too the F.B.I. was deeply involved in investigating the crime right from the start.⁸ After Oswald's death, the F.B.I. clearly became the principal investigative agency. Before there even was a Warren Commission, the F.B.I.'s director, J. Edgar Hoover, had set the tone for his agency by pronouncing Oswald guilty. (Weisberg, 1995:vii, 251) And since its director had already presumed Oswald's guilt, the F.B.I.'s investigation focused exclusively on Oswald. This presumption had taken hold well before any real evidence had been gathered, before autopsy results were examined, and before the rifle could be tested and other scientific tests conducted to see it was even physically possible for Oswald, or any one person for that matter, to have done it. The F.B.I. was interested in no one else and even declined to investigate other possible suspects that had been brought to its attention.⁹

With Oswald's death on Sunday morning, November 24, 1963, there were also discussions at the very highest levels of our government, including Kennedy's successor and the chief beneficiary of the assassination, Lyndon Johnson,¹⁰ about what could be done to squelch rumors and speculation regarding a possible conspiracy and convince the public that Oswald was indeed the assassin. (Weisberg, 1995:viii-xiv) This was set forth quite

⁸As Hoover told Johnson in telephone conversation at 7:25 PM, November 22, the F.B.I. had already entered the case, though Hoover was aware that he lacked legal authority to do so. (Weisberg, 1995:17)

⁹On the very day of the assassination, the Dallas office of the F.B.I. was advised that Jimmy George Robinson and other members of the National States Rights Party should be considered suspects. On the bottom of the Memo is a handwritten note, "Not necessary to cover as true subject located." (See Appendix, Exhibit B.)

¹⁰This is not to suggest that Lyndon Johnson was involved in the crime. However, under the circumstances, the President having been assassinated while hosted by Johnson in Texas, an act that made Johnson president, it seems at best inappropriate for Johnson to have taken charge of the case.

explicitly in a memo written by then Deputy Attorney General Nicholas Katzenbach and disseminated on the Monday (November 25, 1963) following the weekend's tragic and bizarre events. Katzenbach wrote:

The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence is such that he would have been convicted at trial.

Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain Press is saying) a right-wing conspiracy to blame it on the Communists....(See Appendix, Exhibit C, for full text of the Katzenbach memo)

Katzenbach goes on to suggest that the F.B.I. should compile a report as soon as possible to overcome the deficiencies in the Dallas police investigation. And, as a last resort, Katzenbach holds out the possibility of establishing a Presidential Commission.¹¹

Katzenbach's words were not without effect in at least two important respects. First, the F.B.I. leaned on the *Washington Post* to kill an editorial it planned calling for the establishment of a special commission to investigate the assassination.¹² This F.B.I. interference, at the request of President Johnson, in the editorial policy of the *Washington Post* did not ultimately stop a commission from being formed, but it revealed the extent to which the government (in particular, the executive branch) wanted to control any investigation.¹³

Secondly, Katzenbach suggested the F.B.I. compile a report in an effort to address the problem that: "The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumor and

¹¹The following evening (November 26), Katzenbach phoned the F.B.I. to ask when he might be receiving the report on the assassination. According to an F.B.I. memorandum of the conversation, "One of the dangers which Katzenbach sees is the possibility that the state hearings to be held in Texas may develop some pertinent information not now known." He went on to add that he would confer with state officials "in an effort to have them restrict their hearing to the proposition that Oswald killed the President...." (See Appendix Exhibit H for full text.)

¹²See Appendix, Exhibit D.

¹³LBJ Library transcript of telephone call: The President to J. Edgar Hoover, Nov. 25, 1963, 10:30 AM. (See Appendix, Exhibit I) Also, a Memorandum from Hoover to his top F.B.I. officials states, "I called Mr. Walter Jenkins at the White House and advised him that we had killed the editorial in the Post." (See Appendix Exhibit J)

speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered."

Two major themes, then, characterized the planning of the federal effort at investigating the crime. First, there was a presumption of the guilt of Lee Harvey Oswald as the lone, unaided assassin, a presumption made immediately after the assassination by the Director of the Federal Bureau of Investigation and his agency which ended up being the chief investigators, really the only investigators, of the crime. The "conclusion," in other words, was reached in advance of any investigation whatsoever. Secondly, the major objectives of any investigation as clearly set forth by Deputy Attorney General Katzenbach, but also expressed by the President, the F.B.I. Director, and the President's press secretary, and the Chief Justice, were to control and manage information and to shape public knowledge of and reaction to the crime.¹⁴ In addition, the efforts were characterized by a sense of urgency, a need for a quick solution, that was incompatible with a thorough, honest investigation. Not only did Katzenbach pressure the F.B.I. to speed up its investigation, but the sense of urgency of "solving" the case quickly to end speculation and rumors permeates these preliminary discussions.¹⁵

Clearly, not only was the truth about the assassination not the objective of "investigations" by the F.B.I. and the Warren Commission, the discovery of the truth was precluded by political motives and presumptions of

¹⁴According to notes of the January 20, 1964 staff meeting of the Commission, Warren himself, in discussing the role of the Commission, expressed similar concerns with "quenching rumors, and precluding future speculation...." (Eisenberg memorandum, printed in Weisberg, 1974:24)

¹⁵ In any case, there was no need to press the F.B.I. They had the case closed by the evening of the assassination. By the time he wrote his November 25 memorandum, Hoover had the basic "facts" down, as he expressed them to Jenkins at the White House:

I said there can be no doubt at all from a technical point of view that Oswald bought the gun from a mail-order house in Chicago, handwriting identified; came to a post office box maintained by his mother; had the gun at his house; his wife admitted gun was there but couldn't identify gun; but on morning of the assassination, the men who picked Oswald up to bring him to work said Oswald carried a package and Oswald said they were curtain rods the lady had given him as he was going to decorate his own house with them; and the paper was found in the building, together with the gun and three shells. I told Mr. Jenkins that Oswald had four shells and only fired three shells; that we have one complete bullet found on the stretcher on which the President was carried into the hospital, which apparently fell out of the President's head; that the other two bullets were pretty well broken up but sufficiently complete to allow us to identify them as being the three fired by this particular gun.

Mr. Jenkins stated that this is very conclusive. He said he would advise President Johnson about it and that the President will be very pleased. (See Appendix Exhibit J for complete text.)

guilt. Whatever justifications might be offered, this is more characteristic of the functioning of authoritarian institutions than of free, democratic ones.

The F.B.I. did conduct its own "investigation," and had, by December 9, 1963, outlined its conclusions in a five volume report, most of which was an anti-Oswald prosecution brief. The F.B.I. included barely 500 words on the assassination itself — an account so grossly deficient that it failed to account for one of the victims, a bystander by the name of James Tague, and one of the wounds to the President, his throat wound! (Weisberg, 1965:192-193)¹⁶ The F.B.I. had not even consulted the results of the autopsy, an essential piece of evidence in any murder investigation, for this pretense of a report. (Weisberg, 1995:32)

Although this report was not available for public inspection until it was deposited in the National Archives months after the Warren Commission had issued its *Report* and closed shop, the conclusion that the F.B.I. had confirmed that Oswald was the sole guilty party was leaked to the press and became national headlines. (Weisberg, 1995:xiv) The Warren Commission had barely been established and had yet to get down to its task when it appeared that the then highly-touted F.B.I. had wrapped up the case. So what was the Warren Commission to do, especially since it would have to rely almost exclusively on the F.B.I. in conducting its own investigation?¹⁷

According to the *Warren Commission Report*, at the very first session of the Commission, on December 5, 1963, "the Commission viewed the Executive order [the Presidential order creating the Commission — Executive Order #11130] as an unequivocal Presidential mandate to conduct a thorough and independent investigation." (Warren Commission, 1964:x) What is not mentioned in the *Report* is that on the very same day, the Commission heard in a session classified as TOP SECRET from the Deputy Attorney General that the F.B.I. itself had leaked to the press its major conclusions from its investigation of the case, namely, that Lee Harvey Oswald, alone and

¹⁶These gross deficiencies were first reported in Harold Weisberg's *Whitewash* in 1965! Note also the following synopsis provided by Guth and Wrona (1980:29). "An error laden, severely distorted report of the F.B.I. investigation into the assassination that preceded the formation of the WC and became the controversial Procrustean base for its inquiry. The WC assigned it Commission Document number CD1. Only 450 words appear on the murder, and these exclude the shot that wounded citizen James T. Tague and the wound on President Kennedy's throat. From this paltry base the F.B.I. asserts Oswald was the lone, psychologically disturbed assassin, a conclusory statement. In advance of delivery to the WC the F.B.I. secretly released the findings to the press in a successful effort to mold public opinion...."

¹⁷The Warren Commission did not have any investigators of its own, relying instead on the F.B.I. and the Secret Service to conduct investigations for it. (Warren Commission, 1964a:xii)

unaided, murdered the President. From the beginning, the Commissioners knew that they were boxed in by Hoover upon whom they had to rely. It is, thus, not surprising that the Warren Commission basically followed the lead of the F.B.I. and embarked on an "investigation" with a built-in verdict, regardless of the facts.¹⁸ Commission members were aware of the gross deficiencies in that F.B.I. report: its failure to follow out numerous leads and provide a more thorough account of the crime itself. But they also saw the handwriting on the wall as revealed in the following exchange which took place in an executive session meeting on January 22, 1964 (the record of which survived by accident):

Dulles: Why would it be in their (F.B.I.) interest to say he (Oswald) is clearly the guilty one?

(Rankin): They would like to have us fold up and quit.

Boggs: This closes the case, you see. Don't you see?

Rankin: They found the man. There is nothing more to do. The commission supports their conclusions, and we can go on home and that is the end of it..

Boggs: I don't even like to see this being taken down.

Dulles: Yes, I think this record ought to be destroyed¹⁹

As Harold Weisberg observed in "Conclusions First," the Preface to his *Post Mortem*, "The government never really intended to investigate the assassination of President John F. Kennedy, and it never did There never was any 'let-the-chips-fall-where-they-may' inquiry." (1975:1) For example, despite its assertions to the contrary, (Warren Commission, 1964a:x) the Commission never seriously investigated the possibility of a conspiracy. One significant indication of this can be found in examining its file classification, which is tantamount to an outline of the areas into which the Commission at least intended to look. There was, as Weisberg has noted, no file for "conspiracy." Furthermore, the classification makes it clear that the Commission predetermined the number of shots fired, consistent with its "theory" of a lone assassin. There are three files, one each for the first, second, and third shots. (Weisberg, 1975:5) A further indication of this is found in the suggested outline of the Commission's report

¹⁸There is no better, more logical and concise analysis of the Warren Commission's presumption of Oswald's guilt than Chapters 1 & 2 of Howard Roffman's *Presumed Guilty*. (1975:45-91)

¹⁹For a complete discussion of the significance of this executive session transcript and how it was obtained, see Harold Weisberg, *Whitewash IV: JFK Top Secret Assassination Transcript*. (1974).

prepared by Norman Redlich on March 26, 1964, long before the "investigation" was completed. Most notable is the major heading "Lee Harvey Oswald as the Assassin," under which are outlined the major items which the Commission will allege support the conclusion that Oswald was a lone assassin. (Printed in Roffman, 1972:265-270) There can be no doubt that there was an overriding interest in laying questions concerning the assassination to rest with the death of Lee Harvey Oswald.

Despite its best efforts to avoid crucial evidence,²⁰ there was much that could not be avoided that created difficulties for the Commission's preconceived conclusion that Oswald was the lone assassin. The failure of government here takes the form of blatant deceit.

Among the more significant contentions made by the Warren Commission was that Oswald had the capability with a rifle to carry out the assassination. We know from an analysis of the famous Zapruder film and the physical layout of Dealey Plaza the time frame in which all three shots allegedly fired by Oswald would have had to occur. The Warren Commission basically concluded that Oswald had roughly 5.6 seconds to fire three shots with his World War II vintage bolt-action rifle, two of those shots doing all the damage to Kennedy and Connally and one missing the limousine entirely. (Warren Commission, 1964a:117)

In having tests conducted to see if such a feat could be duplicated, no effort was made to replicate the actual conditions under which the shots were allegedly fired, or the actual capability of Oswald with a rifle. As Sylvia Meagher aptly observed: "The tests actually conducted at Aberdeen remain supremely irrelevant as a measure of Oswald's rifle capability." (1967:107) The rifle Oswald allegedly used was modified before it was tested. Genuine marksmen, which Oswald was not,²¹ shot at stationery targets from a thirty-foot tower, taking all the time they needed to aim and fire the first shot. Oswald's alleged actual performance was from a sixth floor window at a moving target, having just a split second to get off the first clear shot as the limousine passed beneath

²⁰The Commission repeatedly and systematically failed to seek essential evidence and failed to elicit crucial testimony. A few examples of note would include the failure to obtain the death certificate of the President, the failure to obtain crucial photographic evidence even when offered it, the failure to seek testimony from the President's physician, Admiral George G. Burkley, the only medical expert present in both Parkland Hospital and Bethesda during the autopsy, among innumerable others..

²¹Despite the Warren Commission's assertion to the contrary, Oswald was, according to the testimony of its witnesses, "a rather poor shot." (See, e.g., Roffman, 1975:230)

an oak tree, and with a weapon that had several serious defects including a scope that was not properly sighted. (Meagher, 1967:106-110; Roffman, 1975:225-247; Weisberg, 1965:24-29; 1995:301-306)

Despite the vastly improved conditions and their superior skill, only one of these expert marksmen was able to hit the target on two out of the three shots within the required time frame.²² There is no question that they could not have done what Oswald is alleged to have done, had the test been properly conducted. In the face of this, for the Warren Commission to conclude that Oswald had the capability to carry out the assassination is as blatant a misrepresentation of their own evidence as one can find. These tests, among many other pieces of information, should have led the Commission to explore other possibilities, which, of course, they failed to do.

Another example of an important link in the Commission's case against Oswald involves its conclusion that Oswald carried the rifle used in the assassination to the Texas School Book Depository on the morning of the assassination. This conclusion flies in the face of all of the evidence the Commission obtained and all the testimony they heard. Both of the eyewitnesses who saw Oswald leave for work that morning testified that the bag he was carrying was significantly shorter (by half a foot) than could have carried the disassembled rifle. The person whose job it was to watch employees as they entered the Depository, swore twice that Oswald had nothing in his hands as he entered the building. And the bag found on the sixth floor which is supposed to have contained the disassembled weapon, had no indications of ever having contained the "well-oiled" rifle. (Weisberg, 1965:15-23; Meagher, 1967:62) Again, the Warren Commission chose to ignore or misrepresent its own evidence in concluding that Oswald brought the rifle to his place of work that morning. In a "let-the-chips-fall-where-they-may" inquiry such evidence would have been treated as exculpatory rather than incriminating.

The Warren Commission failed in its task to get to the bottom of who killed President Kennedy and why, although it might have succeeded at the time in convincing the public that Oswald was the sole assassin. That "success," of course, was based on a fraud. Two decades ago, Howard Roffman offered what stands as an appropriate summation:

²²The professional riflemen each fired two series of three shots each at the three stationary targets. Hendrix achieved two hits and a miss in the first series in 8.25 seconds, and two hits and a miss in the second in 7 seconds; Staley hit two out of three in 6.75 seconds in the first, and hit three in the second series in 6.45 seconds; Miller hit two out of three in each, the first series in 4.6 seconds and the second in 5.5 seconds. (Warren Commission, 1964b:443-445)

Whatever new platitudes the accessories after the fact may concoct to portray themselves as honest and decent men, the implications of their actions remain. One implication is particularly obvious and threatening: the federal government has sacrificed its credibility. A government that lies without restraint about the death of its chief executive can not be believed on anything.

A government that exculpates presidential assassins and denies an accused man his every right can not be trusted to protect its presidents or the rights of its citizens Government that denies its people the true story of their president's murder undercuts, if it does not prevent, the working of democracy. (1975:254)²³

Law Enforcement

Law enforcement agencies which had the primary responsibility for investigating the crime, principally the Dallas police and the F.B.I., not only failed to conduct proper investigations, but compounded that failure by violating the rights of the accused and, in the case of the F.B.I., violating the rights of those who criticized their work.

The investigative work of the Dallas police is flawed in many respects. But among the greatest of their failings was their treatment of the tangible evidence on the sixth floor of the Texas School Book Depository. (Weisberg, 1965:31-51) For example, an important part of the Warren Commission's case against Oswald is the so-

²³Years later, because of persistent questions and criticism of the *Warren Report* along with skepticism regarding the resolution of the assassination of Martin Luther King, Jr., the House Select Committee on Assassinations (HSCA) was created and conducted its own investigation. Its hearings were clearly aimed at debunking the many conspiracy theorists who had put forth their own, highly speculative, scenarios. But it was silent with respect to the many well-documented deficiencies of the Warren Commission's original work. (See Weisberg, 1995:92 for more background and an example of how the HSCA operated). Although it ended up endorsing the idea that there was a conspiracy, the HSCA *Final Report* basically absolved the Warren Commission and said it had conducted a thorough and professional investigation. The government demonstrated once more its inability to get to the truth or to make amends for its wrongdoing. An excellent summary of several gross deficiencies in the HSCA's probe can be found in Guth and Wrone, *The Assassination of John F. Kennedy: A Comprehensive Historical and Legal Bibliography, 1963-1979*. (1980:xxvi-xxxiv)

called "sniper's nest" that Oswald supposedly built around the window from which the shots were fired.²⁴ There was a major problem, however, which Lt. J.C. Day admitted in his testimony to the Warren Commission: that the boxes which made up this "sniper's nest" were moved before the photographs (which the Warren Commission accepted as evidence) were taken. (Weisberg, 1965:32-33) Therefore, any fingerprint evidence found on those boxes and any reconstruction of the crime based on these photos would be worthless because of this careless approach to the crime scene. This did not stop the Warren Commission, however, from using this tainted and really worthless evidence. (Warren Commission, 1964a:137-142)

While Oswald was in police custody, he was interrogated off and on for a total of about 12 hours. Not only was he not represented by legal counsel, despite his expressed wishes, at any time during these interrogations, incredibly, no stenographic or taped record was made of these sessions. Instead, the only reports of these interrogations were prepared after the fact from only some of the participants, and these reports are inconsistent with each other. No one attempted to reconcile these inconsistencies. (Weisberg, 1965:70-73; Meagher, 1967:223-237) The Warren Report accepted the implausible explanation that Capt. Will Fritz's office was too *small* to permit a stenographer or even a tape recorder! It is hard to imagine such an explanation holding up in any court. Whether incompetence, negligence, or some more sinister motive was operating, there is no doubt the Dallas police failed in their duty to conduct a credible investigation.

Far and away the greatest failure of the Dallas police was the murder of their prime suspect while in their custody in the basement of police headquarters. There was no reason that basement had to be so crowded with reporters as it was and why Oswald had to be exposed to them at all, except for publicity purposes which the Dallas police seemed keen to exploit throughout that weekend. In fact, there was no reason a police car could not have backed up all the way to the jail door so that Oswald would not have been exposed to anyone. Having ignored other rights an accused person is supposed to be guaranteed, the Dallas police failed to protect the most precious right, the right to life. (Weisberg, 1965:85-96) And their failure really set the stage for the whole sordid chain of events: the

²⁴Not only did the Warren Commission utilize this tainted evidence, Gerald Posner uncritically accepted it in his widely praised *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (1993). Posner's book is, in fact, a stellar instance of deceit and dishonesty as Harold Weisberg proves in *Case Open: The Omissions, Distortions and Falsifications of "Case Closed"* (1994).

charade of an investigation, the cover-up and lies, and the pervasive commercialization and exploitation of the assassination for the past thirty years.

The Dallas police department's ineptitude was more than matched by the F.B.I.'s so-called investigation. Katzenbach's concern about not wanting the world to see America in the eyes of the bungling Dallas police was why he thought the F.B.I. needed to take over the case in the first place. (See Appendix, Exhibit C) Imagine the judgment of that same world to the F.B.I.'s own (willful) ineptitude, as reflected in their initial report discussed above.²⁵ But, since that report and other evidence of the F.B.I.'s woefully deficient and clearly deceitful work did not surface until well after the *Warren Commission Report* was released and praised by the media, there was little chance for any widespread public criticism to develop.

The presumption that Oswald was the sole assassin emerged early and remained in force throughout the life of the Warren Commission and indeed well beyond it. This presumption governed what "investigation" the F.B.I. did conduct. For example, it led the F.B.I. to turn down potentially crucial photographic evidence because it did not support the case they were building against Oswald. There is no better example of this than the F.B.I.'s refusal of valuable film of the assassination offered it by Charles Bronson. (See Appendix, Exhibit E) The agents who went to view the film wrote a memo stating that although the "Film did depict the President's car at the precise time shots were fired;...the pictures were not sufficiently clear for identification purposes" and that an 8mm film taken by Bronson "failed to show the building from which the shots were fired." Both statements were later discovered to be blatant falsehoods. As Harold Weisberg reports, "*There were ninety-two individual frames or individual pictures of the very window the F.B.I. deemed 'the sniper's nest.'*" (1995:29, emphasis in original) Other crucial photographic evidence was also ignored. Guth and Wrone (1980:68) point out that "the Special Agent in Charge of the Dallas Field Office sent an Airtel...to Director J. Edgar Hoover on 19 Dec. 1963 stating: 'No effort is being made to set forth the names of news media throughout the country who made photographs and films in Dallas on 11-22-63.'"

For months the F.B.I. ignored one of the victims of the shooting, James T. Tague, who was slightly wounded by a spray of concrete from a bullet which hit a curbstone where he had been standing. It is not as if what

²⁵As Alex Rosen, head of the General Investigative Division, characterized the F.B.I.'s investigative strategy as, "Standing with pockets open waiting for evidence to drop in." (Weisberg, 1995:36)

happened to Mr. Tague was unknown. A Dallas police officer was standing near him when it happened; it was reported in the Dallas papers, and photographs of the mark in the curb accompanied the newspaper story which appeared the next day. And the F.B.I. had no interest! It was not until Texas authorities brought it to the attention of the Warren Commission several months later that Tague's experience was officially acknowledged. He gave testimony as the Warren Commission was wrapping up its work, and the F.B.I. was finally called upon to go down and investigate.

*Source
note*

Through readily available photographs, the F.B.I. was able to locate that portion of curbstone. Unfortunately, the bullet hole had been patched, a patch that is clearly visible on the piece of curbstone they dug up and which now resides in the National Archives. And there is no doubt Oswald could not have covered up this bit of evidence. So, who did? When the F.B.I. laboratory did a spectrographic analysis of that curbstone, it scraped a sample not from the original, fresh bullet hole (as it should and certainly could have in any decent pretense of an investigation) but from the cement patch. So there was no way that test could reveal whether the bullet that made that mark was of the same type as bullets allegedly fired by Oswald. (See Weisberg, 1994:138-166, for an excellent discussion of the Tague incident.)

The F.B.I. photographic lab worked overtime producing unclear, indistinct pictures of crucial pieces of evidence, such as the President's clothing. (Weisberg, 1995:235-250) This allowed it and the Warren Commission to make statements about the damage to that clothing which were patently false; for example, that the bullet that struck the President in the back had exited his throat and made bullet holes in his shirt collar and tie. Harold Weisberg insisted on clearer photographs of the President's shirt and tie, which confirmed what had already been indicated by sworn testimony from a doctor and nurses at Parkland Hospital: the damage had been caused by a scalpel which was used to cut off President Kennedy's tie and open his shirt front before emergency procedures to try to save his life could be started.

*Source
note*

Before we leave the F.B.I. and its manifest failures, we need to acknowledge its immoral and illegal campaign to discredit its critics. Although other abuses of that era are widely known and have been condemned, such as the F.B.I.'s efforts to undermine Dr. Martin Luther King, Jr., or destroy the Black Panthers, its efforts against critics of the official story of the Kennedy assassination remains largely unknown but certainly no less

reprehensible. (See Appendix, Exhibit F; Weisberg, 1995:6-10) On the other hand, in an effort to influence the press on this issue, the F.B.I. ^{used} established what they called a "Special Correspondent's List;" that is, ^{mostly} journalists they were confident would accept what the F.B.I. said as gospel and defend it against attacks. (See Appendix, Exhibit G)

The essential job of law enforcement, whether at the local level of the Dallas police or at the federal level of the F.B.I., is to uphold and enforce the law, and to conduct thorough, competent, honest investigations when the law is violated. There is virtually no evidence of these two law enforcement agencies even attempting to do a proper job. They failed. And the fact that both agencies, especially the F.B.I., have hardly been taken to task for their manifest shortcomings makes it likely that law enforcement will fail us again, both in time of great national crises and in the more mundane crises our country faces daily. One wonders if this kind of investigative work is done to attempt to solve what many have called "the crime of the century," what realistic faith can one have in the day-to-day operation of these law enforcement agencies?

The Legal Profession and the Judiciary

Although the image of lawyers and judges has become tarnished in recent years, society continues to look to the legal profession and judiciary to function as competent, responsible interpreters and defenders of the law. When these institutions fail, individuals, and indeed society as a whole, are in jeopardy of succumbing to the rule of whim and arbitrary power. In the case of the Kennedy assassination, lawyers who served as the staff of the Warren Commission and really did the bulk of the work of that Commission, (Weisberg, 1965:xiii-xv) failed to act as lawyers whose knowledge of the requirements of law, rules of evidence, and skillful questioning are supposed to help elicit the truth. In fact, as we will see, it is clear that they used their knowledge and skill to try to avoid the truth. Judges, especially those who sat in judgment of Freedom of Information Act suits through which some critics sought to wrest from the government suppressed information, largely failed to uphold that law and, in effect, allowed the government to continue to deceive the American people.

The work of the Warren Commission legal staff can be characterized at best as irresponsible and deceitful, with numerous examples found throughout the Commission's work. Often these lawyers worked alone, taking testimony from key witnesses with only a stenographer present to record it. But even in the presence of Warren

Commission members (most of whom also had legal backgrounds) their questioning was plainly inadequate, not infrequently badgering and hostile, especially when a witness had some unwelcome information. As Sylvia Meagher observed:

A reading of the full testimony leads to the irresistible conclusion that the witnesses fall into two general categories — the 'friendly' and the 'unfriendly' — which again is alien to the impartial fact-finding process. In the case of some 'unfriendly' witnesses the Commission went beyond a show of antipathy and set out to discredit character. As Paul L. Freese wrote in the *New York University Law Review*, "The technique of character impeachment used by the Commission has disturbing implications...." It is striking that the Commission regarded as unimpeachable a number of witnesses whose testimony is inherently disordered and strongly suggestive of falsification or mental incompetence or both. (1967:xxix)

No better example of the failure of these lawyers could be found than the work of assistant counsel Arlen Specter (currently a Republican Senator from Pennsylvania and presidential candidate) who took the bulk of the crucial medical testimony and is the primary architect of the infamous "single-bullet theory." With the acknowledgment that at least one shot missed the limousine altogether and struck a curb wounding Jim Tague slightly (among other considerations), for the Commission to insist that Oswald did it alone firing only three shots, one of those bullets had to have caused seven separate wounds in President Kennedy and Governor Connally and emerge in near pristine condition. (See, e.g., Weisberg, 1995:3) Rather than seriously consider the distinct possibility of other shots, meaning at least one other assassin, the Commission chose to go with this "single-bullet theory," which Arlen Specter promoted in his questioning of witnesses.

One tactic Specter used was to preface his questions to the various experts before him by speculating about a hypothetical bullet — could a bullet do this damage. Specter was able to get on the record qualified positive responses to this hypothetical question. However, in each and every case when he bothered to show the actual

bullet (CE399) to these same experts they emphatically rejected the idea that bullet could have done that kind of damage and emerge in such near perfect condition.²⁶

Specter kept out of the record crucial information which contradicted his single bullet theory. Not publishing or even referring to the official death certificate signed by the President's personal physician, Admiral George G. Burkley, is a significant omission in its own right. But it takes on added significance in that the death certificate locates the wound to the President's back too low to accommodate the single-bullet theory. (Weisberg, 1975:302-306) The same can be said of an interview Specter conducted with the two F.B.I. agents, James Sibert and Francis X. O'Neill, who observed the autopsy. (Weisberg, 1975:71-74) These agents whose accounts of their observations would have discredited, and, at the very least, cast doubt on, the theory were not called to testify before the Commission, nor was their interview published in the *Report* or the 26 volumes of hearings and exhibits. *cite NA!*

Another expert witness who was never called to testify because of his strong disagreement with the single-bullet theory was Dr. Joseph Dolce, the Army's chief consultant on wound ballistics who supervised the tests conducted at Aberdeen proving grounds to see if similar bullets could do what CE399 is alleged to have done. These tests showed that similar bullets doing that kind of damage were significantly deformed. In a conference conducted on April 21, 1964, at which Mr. Specter was present, Dr. Dolce registered his strong objections to the single-bullet theory. (Weisberg, 1995:297-301) He subsequently was not called to register those objections in Commission testimony. In fact, "His name appears nowhere in the Report or its appended twenty-six volumes..." (Weisberg, 1995:291)

One final example of blatant disregard for the truth and the obligations of a lawyer should suffice. When Specter had the chief autopsy surgeon, Dr. Humes, before him, Humes made the astounding admission that he had

²⁶For an excellent discussion with excerpts from the testimony, see Meagher, *Accessories After the Fact*. Included is the following example from Specter's questioning of Dr. Gregory:

Specter: Assume, if you will, another set of hypothetical circumstances: That the 6.5 millimeter bullet traveling at the same muzzle velocity, to wit, 2,000 feet per second, at approximately 165 feet between the weapon and the victim, struck the President in the back of the neck passing through the large strap muscles, going through the fascia channel, missing the pleural cavity, striking no bones and emerging from the lower anterior neck, after striking the trachea. Could such a projectile have then passed into the Governor's back and inflicted all three of or all of the wounds which have been described.

Dr. Gregory: I believe one would have to concede the possibility, but I believe firmly that the probability is much diminished. (Meagher, 1967:168-169)

burned the first draft of the autopsy report on the President in his recreation room fireplace on Sunday morning after hearing that Oswald had been shot in Dallas. (Weisberg, 1975:524-525) More astounding is that assistant counsel Specter asked no questions, sought no explanation for this willful destruction of crucial evidence.²⁷

That a Freedom of Information Act was necessary to guarantee access by the public to documents and information withheld by the government itself raises serious questions about the degree to which our institutions are free and democratic. The Freedom of Information Act (FOIA) has been the principal vehicle through which a few critics have been able to compel the government to release suppressed documents. Like any law, FOIA is really only as strong and effective as it is vigorously enforced. And that requires a principled, perhaps even courageous, judiciary willing to compel federal agencies to divulge information they have no right withholding from the public. In fact, judges have more often than not allowed the government to stonewall, delay, and unjustly deny the public information they have a right to know about how their President was killed.

Harold Weisberg filed numerous FOIA suits, ultimately garnering a quarter million pages of previously withheld documents.²⁸ His success, however, should not overshadow the fact that this was a painstaking, frustrating process frequently stonewalled by federal agencies and complicit judges. A good example of the failure of the judiciary in this regard can be found in CA75-0226, *Harold Weisberg v. United States Department of Justice, United States Energy Research and Development Administration*, Judge John Pratt presiding. (Weisberg, 1995:258-262; 1975:412-430) In essence, Weisberg proved, and even attested to under oath, that F.B.I. Special Lab Agent John Kilty committed perjury in submitting two contradictory affidavits regarding the testing of bullet fragments and CE399. Rather than becoming outraged at the lawless behavior of the F.B.I., Judge Pratt expressed his irritation at Weisberg and his attorney, Jim Lesar, for bringing this up, even suggesting they might be sued. But there was no

²⁷And it was not until years later, after critics had raised questions about this, that an explanation was offered by Humes -- one that was wholly inadequate and itself deceitful. (See Harold Weisberg, *Never Again!*, (1995:87-96).

²⁸For a listing of these cases, see Weisberg, 1995:461-463.

suit and the F.B.I. was allowed in a federal court to get away with perjury.²⁹ Judges have acted as handmaidens of the government they are supposed to make sure works properly and honestly and in the public interest.

The Media, The Press and Publishers

Despite the checks and balances built into our governmental system, democracy can ultimately be maintained only with an informed citizenry. Thus, our society depends on a number of related institutions to keep the people informed and the government honest. The press, and in the present day, the mass media, bear the major burden. So also the publishing industry in general ideally provides a forum for discussion and critical analysis of society and social institutions. Serious criticism of the official government version of the Kennedy assassination has rarely found its way into the newspapers or the evening news broadcasts and special reports, and perhaps even more rarely have the major publishers deemed it appropriate to publish serious, factual, critical analyses of the official governmental position on the assassination of President Kennedy. Cutting across the ideological spectrum, journalists, publishers, and TV producers have all shown a distinct preference either for the most unfounded, sensational (but entertaining and lucrative) conspiracy theories or for what is often portrayed as the more sober and factual official story (which in reality is as unfounded and illogical as some of its competitors in the conspiracy field). On balance, major news organizations have always defended the government and have either ignored or misrepresented well-documented criticisms of it. *The New York Times* and *CBS News* can be singled out as being among the government's most vocal and persistent defenders, but they are far from alone.

The media as a whole has failed to meet its fundamental obligation in a democratic society of informing the people about what its government is doing. To fulfill this obligation, the media must not simply report what government officials tell the press, but must seek out and report all the facts. Doing so often leads to criticism of government and other institutions in our society.

²⁹The curious defense of the F.B.I.'s perjury, accepted by Judge Pratt, was that Weisberg "could make such claims ad infinitum since he is perhaps more familiar with events surrounding the investigation of President Kennedy's assassination than anyone now employed by the F.B.I." (See Appendix, Exhibit K)

That the government can continue to insist on its official story and defend its indefensible and reprehensible conduct in the so-called investigation of President Kennedy's assassination is, as Harold Weisberg wrote in 1975, "possible only because the press has abdicated its responsibilities and converted itself into an agency of government, assailing those who, having sought the truth, declare it. Were the press under actual government control, the harm would be less, for this would be known and allowed for by citizens in evaluating its message. That it is not an official press but acts as one is subversive in a democratic society, for we expect the press to be the watchdog over government, not its bedmate." (1975:3) Unfortunately, these words are as true today, two decades later, if not more so.³⁰

The failure of the media and the press to respond critically upon the release of the *Warren Commission Report* and, later, its massive 26 volume appendix was governed, in large part, by the demand to get out a story. The masterful propaganda techniques of the Commission successfully discouraged the media and press from digging deeper into the story. On the surface, the *Report* certainly looks impressive, and only a careful reading of it in conjunction with the testimony and exhibits could begin to reveal its serious flaws. The *Report* was published with a summary of the Commission's conclusions, albeit without references necessary to checking its validity, as a first chapter in a rather lengthy volume. The twenty-six volumes of evidence on which these conclusions are presumably based were published long after the report itself, long after the Commission's findings were "hot news." In addition, the *Report* with its volumes of evidence and testimony amounting to an estimated 10,000,000 words were published with no subject index, a necessity for checking its conclusions against its evidence. Nonetheless, the press acted irresponsibly in lavishing praise on the *Report* when it was first released, and it has more than compounded that initial error by continually re-affirming that first uninformed reaction, even in the face of some of the most damning and well-documented revelations. (Meagher, 1967:xxvi-xxvii)

In his recently published *Never Again!*, Harold Weisberg (1995:187) provides an insightful overview of the press's failure in the immediate aftermath of the so-called investigation:

³⁰As noted earlier, Gerald Posner's book, *Case Closed*, (1993) stands as one of the most error-laden, dishonest books in the whole history of Kennedy assassination literature. Yet, it was lavished with rave reviews by the media. See Harold Weisberg's *Case Open* (1994).

There were no public hearings, no hearings at which the press and public could be present, no opportunity for what leaps from the printed page to be known and objected to. As a result, testimony that would inevitably lead to expressions of outrage was lost in the vast volume of those ten million words disclosed at a single moment. Nobody in the media was going to read that many words in time to inform the people about their meaning, and no media organization was about to make the enormous investment that would have meant. The way it worked out, the Report having been issued two months earlier than the testimony and greeted by the media as the unquestionable truth, what media perusal there was of the testimony and exhibits was in seeking confirmation of what the media already had printed and said in support of the Report.

It is truly difficult to select any one specific example of the media's failure; they are legion. But one involving *The New York Times* will suffice to make the point. It involves an interview conducted by then correspondent Fred Graham with Dr. John Lattimer who had been granted exclusive access to the Kennedy autopsy materials. (1972:1,4) The only apparent qualification Lattimer had was previous writing in defense of the *Warren Commission Report*; his expertise in medicine was urology, not forensic pathology (as it should have been to even gain access to these materials). In Graham's exclusive, which made headlines throughout the country, Lattimer displayed his patent bias by asserting, for example, that examination of the autopsy photos and X-rays proved Oswald did the shooting — to which Weisberg responded and specifically pointed out to Graham who had conducted the interview: "...that no pictures or X-rays, separately or combined, can show who fired what shots." (1975:388) Numerous other statements Lattimer made in that interview were either false or displayed an ignorance of forensic pathology. (Weisberg, 1975:386-402) But it was all treated uncritically. And Dr. Lattimer continues to pop up from time to time as a credible expert, for example, on both CBS and PBS during the 25th anniversary of the assassination in 1988.

If the media cannot bring itself to correct this disgraceful record and finally display some intelligence and courage on this subject, difficult questions arise regarding the capability of the media of keeping the public informed in other important areas of social life. If the principle that an informed citizenry is the key to a healthy democracy remains valid, the health of American democracy seems in serious jeopardy.

The A.M.A. and the Failure of "Science"

Science was involved in many aspects of the investigation of the Kennedy assassination: the testing of the rifle, the comparison of bullets, the ballistics, and so forth. In most of these instances it failed. (See Roffman, 1975; Weisberg, generally) But nowhere was the failing so great as in the development and analysis of the crucial medical evidence. Forensic pathology is an exact science. Because it involves the obtaining of evidence that may determine whether a murder case is solved and whether a defendant will be found guilty or not, it is essential that procedures be meticulously adhered to and detailed information be carefully sought and accurately recorded. This characterization does not apply to the autopsy performed on the body of the President. To this day, serious questions remain about the quality of the autopsy, the accuracy of its records, the freedom of the autopsy surgeons from external control, and the evidence and testimony sought by the Warren Commission and provided by the autopsy surgeons. (Weisberg, 1975) Among the many problems with the autopsy are the burning of autopsy protocol by Dr. Humes, the chief autopsy surgeon; the mislocation of the President's back wound as a neck wound; the failure to properly analyze the throat wound. (Weisberg, 1965:178-187, 196-199) Perhaps of greater significance is the alteration of the autopsy report by Dr. Humes after the murder of Oswald, alterations which had serious implications for the question of whether the President had been murdered as the result of a conspiracy. For example, where Humes had originally written "puncture wound," he crossed out "puncture" (meaning entrance wound, a shot from the front) and replaced it with "lacerated." (Weisberg, 1975:515)

One of the best illustrations of that failure of medical science is the most recent example. In 1992, the American Medical Association, through its journal, *The Journal of the American Medical Association* (JAMA), lent its prestige to the official theory of the Kennedy assassination and, in particular, to the autopsy surgeons. In its May 27, 1992 issue is a report of JAMA editor George Lundberg's interview with the Kennedy autopsy surgeons, J. Thornton Boswell and James Joseph Humes.³¹ (Breo, 1992) At a major press conference in New York, Lundberg claimed that he was using JAMA to "end the talk of conspiracy" in the case. That "as the professional publication devoted to scientific research [it] had a very good chance, perhaps the best chance, of setting to rest the talk of

³¹The third autopsy surgeon, Pierre Finck, refused to be interviewed, but later agreed to an interview which was the basis of an article in the October 7, 1992 JAMA. Also in the May 27, 1992 JAMA, four of the Dallas doctors were interviewed.

conspiracy.” (Quoted in Weisberg, 1995:44) The resulting article, not surprisingly, given Lundberg’s purpose, is more aptly described as propaganda than science. Neither Lundberg nor the reporter who wrote the article demonstrate familiarity with the fundamental facts of the case. Nor, clearly, do they attempt to raise any of the significant issues that have revolved around the autopsy. Under the guise of scientific inquiry in a peer review journal, the autopsy surgeons were provided with the opportunity to reassert their position without challenge, question, or critical comment. While the errors, false assertions, inaccuracies and contradictions in the JAMA reports are numerous, the fundamental problem is the fraudulent use of science for political purposes.³²

Conclusion

In a seminal essay written many years ago at the height of a period of critical self-examination in American sociology, Alexander Liazos called upon his colleagues specializing in the study of criminal and deviant behavior to look beyond the individuals who are typically studied, in his words, the “nuts, sluts, and perverts,” and focus more on the less visible, but deeper, institutional problems. (Ginocchio:1981; Liazos, 1972) He focused not on individual deviants and their behavior, but rather on what he called “covert institutional violence.” Covert institutional violence may be defined as the unrecognized institutional actions which have destructive consequences for society. They can properly be regarded as major instances of deviant and/or criminal behavior.

A more subtle form of “covert institutional violence” might be called, after Liazos, “covert institutional fraud.” Throughout our discussion of the failure of various institutions to deal properly and honestly with the assassination of President Kennedy, we have documented numerous instances of such “covert institutional fraud.” From the Warren Commission, to law enforcement, to the legal profession and judiciary, and finally to the media and science, an account of the assassination has been foisted on the American people which is a knowing fraud.

³²A few examples of the particular problems with the JAMA reports are: the false assertion that these doctors were breaking 28 years of silence by granting these interviews, when in fact they had spoken out publicly many times since the assassination; (Weisberg, 1995:41-60) the assertion that there were “no generals” in the autopsy room when the records indicate otherwise; (Weisberg, 1995:151-156); false assertions regarding the burning of “autopsy notes” because they were stained with the President’s blood, when it was not these notes, but the original draft of the autopsy protocol that Humes destroyed after learning that Oswald had been murdered; (Weisberg, 1995:90-96) and a misleading account of the mislocation of wounds. (Weisberg, 1995:173ff)

Although countless books and articles have been written on the Kennedy assassination, this fraud has been little exposed, hence covert. Only in the works of a handful of responsible critics, critics who have been virtually ignored by the media all these years, has this story been told. This "covert institutional fraud" not only reveals serious flaws in major institutions, but on the whole continues to erode the foundation of trust and confidence on which our government and other major institutions depend.

One final institutional failure needs to be addressed. Scholars, on whom society depends for critical analysis, knowledge, information and insight into society, its institutions, and its problems and issues, have remained virtually silent on the Kennedy assassination and the institutional failure that accompanied it.³³ The complexity of the subject-matter, the difficulty of access to materials, the pressures on professors for "scholarly productivity," and the need to avoid association with controversial topics, may in part explain the failure of historians, sociologists, criminologists, and political scientists to undertake serious, scholarly examination of this topic. It is a topic that presents more than the usual difficulties. As David R. Wrone, one of the few professional historians to work on the assassination, has observed: "The serious student of the assassination of President John F. Kennedy confronts a subject riven by controversy, saddled with numerous theories, overwhelmed by a seemingly impossible mountain of facts, issues, and questions, and lost in the complexity of the issues." (1993:1)³⁴ We hope that we have demonstrated that the issues involved are of such significance that these difficulties are worth confronting.

It might be argued that the Kennedy assassination represents a somewhat special case, but the history of the intervening decades — of Vietnam, Cointelpro, Watergate and Iran-Contra — would suggest that this institutional failure was not a temporary deviation in an exceptional time of crisis, but, rather, suggests fundamental and

³³Despite the wealth of opportunity that the topic provides to gain insight on so many issues in history, law and justice, politics, and sociology, a recent DIALOG search of the journal literature in these fields yielded only 18 papers and articles in the more than three decades since the assassination. It should also be noted that half of these citations were from journals focusing on communications and public opinion.

³⁴Indeed, part of the deliberate strategy of deception on the part of the Warren Commission staff was to dump all its information on the American public with little chronological or logical order to it and without an index. "For example, during the course of the Commission investigation the archives began to index the hundreds of thousands, indeed million, of names found in the documents files, not only a normal step for research but also essential for the Commission investigative staff to perform its work properly. Howard Willens, then the number three man in the Commission staff and an assistant counsel, ordered them to stop." (Wrone, 1993:1)

systematic institutional failure. Many questions remain to be explored. A deeper probing of the failures suggested in this paper would itself seem to be a promising course of study. Similarly, the question of the extensiveness of institutional failure needs further examination. Does such failure also characterize other major institutions — the school, the family, the economy, the health care system? Are the failings of these related in any way to those discussed in this paper? And, perhaps of greatest importance, it is not enough to know that our institutions are failing; we must attempt to find out why they are failing us and how they can be made to function more appropriately. There can be no doubt that many of our social problems are deeply embedded in our society and its institutions. To expose these problems for the purpose of analysis and possible correction, there can be no substitute for the kind of patient, thorough study necessary to unravel the complex, interdependent institutional reality of modern society.

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APPENDIX

Executive Order No. 11130 establishing Warren Commission	EXHIBIT A
FBI Memorandum to SAC, DALLAS on Suspects	EXHIBIT B
Katzenbach Memorandum for Mr. Moyers	EXHIBIT C
FBI Memorandum to Mr. Mohr re: Washington Post	EXHIBIT D
Two FBI Memoranda to SAC, DALLAS re: Bronson Film	EXHIBIT E
FBI Memoranda to Mr. DeLoach re: Harriet Van Horne	EXHIBIT F
FBI Memorandum: DeLoach to Mohr: Re: Buchanan	EXHIBIT G
FBI Memorandum to Mr. Belmont re: Katzenbach Phone Call . . .	EXHIBIT H
LBJ to Hoover Phone Call	EXHIBIT I
Hoover Memorandum re: Phone Call to Jenkins at White House . . .	EXHIBIT J
Justice Department Motion: Civil Action No. 75-226	EXHIBIT K

EXHIBIT A

APPENDIX I

Immediate Release

November 30, 1963

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

No. 11130

Appointing a Commission To Report Upon the
Assassination of President John F. Kennedy

Pursuant to the authority vested in me as President of the United States, I hereby appoint a Commission to ascertain, evaluate and report upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent violent death of the man charged with the assassination. The Commission shall consist of --

The Chief Justice of the United States, Chairman;

Senator Richard B. Russell;

Senator John Sherman Cooper;

Congressman Hale Boggs;

Congressman Gerald R. Ford;

The Honorable Allen W. Dulles;

The Honorable John J. McCloy.

The purposes of the Commission are to examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by federal or state authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination, including the subsequent violent death of the man charged with the assassination, and to report to me its findings and conclusions.

The Commission is empowered to prescribe its own procedures and to employ such assistance as it deems necessary.

Necessary expenses of the Commission may be paid from the "Emergency Fund for the President."

All Executive departments and agencies are directed to furnish the Commission with such facilities, services and cooperation as it may request from time to time.

LYNDON B. JOHNSON

THE WHITE HOUSE, November 29, 1963.

UNITED STATES GOVERNMENT

Memorandum

EXHIBIT B

Exhibit 13

SAC, DALLAS

DATE: 11/22/63

IC ROBERT G. RKNFRO

SUBJECT:

ASSASSINATION OF PRESIDENT KENNEDY

Sgt. H. C. SHERRIL, Richardson, Texas, PD, telephone AD 5-5213, advised JIMMY GEORGE ROBINSON and members of the National States Rights Party should be considered possible suspects in the assassination of President KENNEDY, due to their strong feeling against him. He reminded that ROBINSON is the individual who burned a cross on the lawn of a Richardson residence approximately a year ago. He advised ROBINSON, white male, age 25, runs a service station located at Belt Line Road and Mayfield Road, Garland, Texas.

157-215
100-0-6225
105-569-94
44-1552
um.

*Not necessary to
cover as true subject
located - JMH*

2 Dallas
RGR:rmb
(2)

89-43-87

SEARCHED	INDEXED
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NOV 22 1963	
FBI - DALLAS	

Edw

EXHIBIT C

November 25, 1963

MEMORANDUM FOR MR. MOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat—too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

139-11	
DEPARTMENT OF JUSTICE	
21	MAY 1965
RECORDS BRANCH	

File
HPW

The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement that all the facts will be made public properly in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach
Deputy Attorney General

UNITED STATES GOVERNMENT
Memorandum

TO : Mr. Mohr

DATE: November 25, 1963

FROM : C. D. DeLoach

SUBJECT: ASSASSINATION OF THE PRESIDENT

For the Director's information, I talked with Al Friendly, Vice President and Managing Editor of the "Washington Post and Times Herald" at 10:50 AM this morning.

I told Friendly that I wanted to be perfectly honest with him, however, I must insist that our conversation remain completely off the record. I mentioned we had had numerous cordial arguments in the past and the fact was well established that we usually had different points of view on most matters. I mentioned that the purpose of my call, however, was a matter of grave concern and I felt certain he would recognize this fact. Friendly agreed and stated our conversation would be maintained strictly in confidence.

I told Friendly that apparently there had been a "leak" to his paper to the effect that a "Presidential Commission" had been suggested to look into the assassination of the President and the murder of Lee Harvey Oswald. I mentioned we had received information indicating his paper planned to prepare an editorial strictly affirming the necessity of a "Presidential Commission." It was mentioned that such an editorial would be most unwise at the present time. Friendly interrupted me at this point and stated he did not personally know whether this had been a "leak" or merely the idea of one of their staff members. He affirmed the fact an editorial was being considered.

I told Friendly I had just conferred with the Director regarding this matter and wanted him to know that such an editorial on the part of his paper would merely "muddy the waters" and would create further confusion and hysteria. It was mentioned that the President had personally asked the Director to have the FBI conduct a full investigation both into the assassination of the President and into the murder of Lee Harvey Oswald. I told him Mr. Hoover was personally supervising these investigations and that reports would be submitted to the Department of Justice and to the White House in two phases: (1) the assassination of the President and (2) the murder of Lee Harvey Oswald. I mentioned that Mr. Hoover had seen to it that the best trained men in the FBI were on these investigations and that our inquiries were proving to be swift and intensive. I told him no stone is to be left unturned. I further told him that the President had additionally discussed this matter with the Director today and that the

Enclosure

1 - Mr. Belmont 1 - Mr. M. A. Jones
1 - Mr. Rosen 1 - Mr. Morrell
1 - Mr. Evans

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NOT RECORDED

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1963

ENCLOSURE

SIX

CRIME

Memo DeLoach to Mohr
Re: Assassination of the President

11/25/63

Director had assured the President that thorough investigations were proceeding at full speed. I mentioned to Friendly that our investigation would include and lay to rest any rumors of substance that had been flying around with respect to the two matters. I mentioned to him also the fact that the State of Texas was concerned with the matter and was conducting inquiry. I told Friendly that, as a matter of personal interest to him, our investigation into the murder of Lee Harvey Oswald would determine the adequacy of security given to Oswald and that the facts, regardless of what they might be, would allow the Department of Justice to determine whether a Civil Rights violation had occurred. Friendly replied he was most interested in this phase.

I mentioned to Friendly that considering all the above, an editorial by his paper suggesting a "Presidential Commission" would merely serve to confuse the issue. I told him it was hoped that he would understand our viewpoint in this matter and would, therefore, eliminate the editorial.

Without any hesitation, Friendly told me the editorial would be eliminated. He stated he would, of course, have to mention this matter to Russ Wiggins, the Editor, on a confidential basis. I told him there were no objections to this, however, Wiggins should specifically understand my reasoning in approaching him, Friendly, in this manner. Friendly stated there would be no misunderstanding. Friendly added that while he would respect our viewpoint, he sincerely hoped I would bring to the Director's attention the need for some outstanding group or body of men affirming and issuing the FBI report other than the U. S. Attorney General or that "boob" (Waggoner/Carr) who calls himself the Attorney General of the State of Texas. Friendly mentioned he had every confidence in the Director and the FBI in conducting a fair and impartial investigation. He added, however, if the FBI investigative report was issued by either the Attorney General of the United States or the Attorney General of the State of Texas, the report would bear little weight in later suppressing rumors, ill-advised books, making a martyr out of Oswald. I told Friendly that in view of his cooperation, I would, of course, bring his personal thoughts to the attention of the Director and I felt sure that the Director would mention this to the President if the occasion arose. Friendly reiterated his confidence in the FBI and he stated he was glad to be of service.

The Director was advised of the above facts and specifically of Friendly's commitment not to print the editorial.

Friendly called back at 11:30 AM. He stated he had thought the matter over (he obviously had talked with Russ Wiggins) and wanted to let me know that while he agreed with some of our viewpoints, he could not make any definite commitment. He stated this was a matter for Wiggins to decide upon. I told him in view of his statements

Memo DeLoach to Mohr
Re: Assassination of the President

11/25/63

during our previous conversation, I thought the decision had already been made not to publish the editorial. He stated that had been only his personal opinion, that after all his paper had an obligation to the general public. I told him I was not asking him to suppress anything but merely to listen to a point of common sense during a very trying time. He stated this was all very true but we should recognize that his paper had an obligation to print what was felt might be the best for the general public. He indicated that no decision had yet been made concerning the editorial and in all probabilities it would not be printed, however, he did want to let me know as of this time no definite commitment could be given.

This, of course, is the usual "hogwash" on the part of Wiggins who cannot be trusted and usually attempts to run opposite good judgment in order to satisfy his own ego.

The Director was advised immediately of the above facts.

I went over to see Guthman at 12:05 PM. Guthman was told that apparently there had been a "leak" to the "Washington Post and Times Herald" in connection with the "Presidential Commission" idea. I asked if he knew how this had come about. He replied that Jim Clayton, a reporter for the "Washington Post," had contacted him this morning and had referred to an article in today's issue of the "New York Times" by James "Scotty" Reston which specifically recommended a "Presidential Commission" (column attached). Clayton asked for comment from the Department of Justice and Guthman told him he had no comment to make, that the FBI was apparently conducting an intensive investigation and nothing could be said until the FBI investigation had been completed.

Deputy Attorney General Katzenbach was in Guthman's office at the time of my conversation with Guthman. After hearing our conversation, Katzenbach asked my opinion as to whether he should personally call Russ Wiggins. I told him it was entirely up to him. I asked him how well he knew Wiggins. He stated he hardly knew him at all. I outlined briefly to Katzenbach the results of my conversation with Al Friendly, the Managing Editor. Katzenbach stated he knew he could not trust Wiggins but he would give him a call.

Katzenbach called Wiggins at approximately 12:20 PM. He told Wiggins he felt that all facts should be, of course, made available to the public but that the Department of Justice seriously hoped that the "Washington Post" would not encourage any specific means or instrument by which these should be made available to the public.

Memo DeLoach to Mohr
Re: Assassination of the President

11/25/63

Wiggins stated he, of course, could make no commitment to not write an editorial, however, that the conversation that the FBI representative had previously had with Friendly, the Managing Editor, had merit to it and he was inclined to go along. He stated he would give the matter serious consideration.

ACTION:

This matter will be followed closely.

J. M. [unclear] ✓

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (89-43)

FROM : SA MILTON L. NEWSOM

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

DATE: 11/25/63

Mr. WALTER BENT, Sales Service Manager, Eastman Kodak Company, Processing Service Division, 3131 Manor Way, telephone FL 7-4654, Dallas, telephonically advised his company had received two rolls of 8 millimeter Kodachrome and one roll of 35 millimeter film in a package from Mr. CHARLES BRONSON, Chief Engineer, Zarel Mfg. Company, 9230 Denton Drive, Dallas, Texas.

Mr. BRONSON enclosed a letter with his film, stating that the film had been taken at the instant President KENNEDY was assassinated. BRONSON also advised in the letter that from the position he was stationed when he took the film, he feels quite certain the Texas School Book Depository building was clearly photographed and he feels that the window from which the shots were fired will be depicted in the film. He stated for this reason he believes he may have a picture of the assassin, as he fired the shots.

Mr. BENT stated Mr. BRONSON's letter indicated he desired to be cooperative regarding the film with proper authorities and BENT is of the opinion that BRONSON will have no objection to turning the film over to proper authorities in the event it is of value to the investigation.

Mr. BENT stated that he would make arrangements with Mr. BRONSON to view the film at the Kodak Processing Center and would arrange this so that FBI Agents could be present at the same time interview BRONSON concerning his film of the scene.

Mr. BENT assured his full cooperation regarding all film received of a like nature that may possibly be connected with this matter and arrangements were made with him to immediately notify SA NEWSOM of any film of possible value.

2 - Dallas

MLN:rab

89-43-518

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FBI - DALLAS	
Newsom	

DL 89-43

The Eastman Kodak Processing Service Division receives all color film made by 8 millimeter Kodachrome in this area and also most other film for the area is processed by this division. Mr. BENT explained that his employees have not worked since Saturday and they are due back to work at 11:30 AM, 11/25/63. When processing of recent film orders begin, he expects other films taken at the approximate time of President's assassination.

He said that BRONSON's film should be processed and ready for viewing by 3:00 PM. He was told that SA NEWSOM would meet with him at that time.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DALLAS (89-43)

DATE: 11/25/63

FROM : SA MILTON L. NEWSOM

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

Mr. WALTER BENT, Sales Service Manager, Eastman Kodak Company, Processing Service Division, 3131 Manor Way, and Mr. CHARLES BRONSON, Chief Engineer, Zarel Manufacturing Company, 9230 Denton Drive, were contacted by SAS MILTON L. NEWSOM and EMORY E. HORTON on 11/25/63.

Films taken by Mr. BRONSON at the time of the President's assassination including 35 mm. color slides which were taken with a Leica Camera, and 8 mm. Kodachrome film were reviewed. These films failed to show the building from which the shots were fired. Film did depict the President's car at the precise time shots were fired; however, the pictures were not sufficiently clear for identification purposes.

One of the 35 mm. color slides depicted a female wearing a brown coat taking pictures from an angle, which would have, undoubtedly, included the Texas School Book Depository Building in the background of her pictures. Her pictures evidently were taken just as the President was shot. Approximately five other individuals in the ~~area~~ were taking pictures at the time.

Arrangements have been made with Mr. WALTER BENT whereby each package of film received for processing by that company, will be returned to the owner of the film with a slip of paper attached requesting the individual to notify the local FBI Office in the event pictures in the package reflect the scene when the President was assassinated. Mr. BENT advised this company does the processing for all the southwestern states. An airtel is being furnished southwest offices notifying them of the above arrangements in the event they receive calls of this type.

2 - Dallas

MLN/as

(2) *as*

89-43-493

SEARCHED	INDEXED
SERIALIZED	FILED
NOV-25 1963	
FBI - DALLAS	

Memorandum

TO : Mr. DeLoach

DATE: 5-27-64

FROM : M. A. Jones

SUBJECT: HARRIET VAN HORNE
CRITICISM OF FBI
NEW YORK WORLD-TELEGRAM AND THE SUN
DATED MAY 26, 1964

Tolson	
DeLoach	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

BACKGROUND:

Captioned individual in her column of May 26, 1964, entitled "Doubts About Dallas" refers to recent writings about the assassination of President Kennedy. In referring to historical writings in general she states she is a skeptic and refers to some of the recent news stories about Lee Harvey Oswald and the doubt that has been expressed by some that he is the assassin. Miss Van Horne refers to the rumors and erroneous stories already discredited by the FBI such as the recently released photograph allegedly showing an individual who resembled Oswald in the doorway of the Texas Schoolbook Depository at the time President Kennedy was shot; there were five bullets involved in the assassination, some of the shots coming from in front of President Kennedy; Oswald was working as an informant for the FBI. Miss Van Horne claims these questions will be argued by historians for years and refers to the ineptitudes of the Dallas Police Department and the Secret Service and the "arrogant, above-the-fray attitude of the FBI. In a democracy there is no place for 'secret police,' however holy their reputation."

INFORMATION IN BUREAU FILES:

According to the current edition of "Who's Who of American Women," Harriet Van Horne was born 5-17-20 at Syracuse, New York. She received a B. A. degree from the University of Rochester in 1940. She is married to David Lowe. She is a television critic and columnist with the New York World Telegram and the Sun where she has been employed since 1942. She has also been associated with the magazine Scripps-Howard Newspapers as a TV columnist since 1962. She is a free-lance writer and is a frequent panelist on radio and television. She resides in New York City.

According to the current issue of "Celebrity Register," Harriet Van Horne has made news several times with her columns; a parody of an Ed Sullivan column regarding Cardinal Spellman which was later pulled from the paper; her columns on Margaret Truman's singing, one of which stated "She got her best reception when the audience was entirely members of a ladies Democratic club."

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Mr. Rosen

11 JUN 17 1964

SENT DIRECTOR

5-28-64

UNRECORDED COPY FILED IN 100-8-201-191-

M. A. Jones to DeLoach Memo
RE: Harriet Van Horne

Bureau files reveal only three references to Miss Van Horne.] In 1958 one of her television columns referred to the television industry's efforts to improve television programs. In connection with violence on television she referred to typical letters she had received from TV viewers one of whom referred to the Director as stating that some types of television programs are unhealthy entertainment and a contributing factor to juvenile delinquency. [The two other references deal with her name being mentioned during our investigation of subjects of Bureau cases who referred to her radio or television column but there was no indication that Harriet Van Horne was associated with these individuals.]

A check of the New York Indices today failed to disclose any pertinent references to Miss Van Horne.

Richard D. Peters, Editor of the New York World-Telegram and the Sun, is on the Special Correspondents' List and we have had cordial relations with him and his newspaper. Last outgoing correspondence to him was 5-13-64 in connection with the Director's 40th Anniversary.

RECOMMENDATION:

For information.

Suggest I talk with
Walker Stone re this
woman -

AM

NS/VB

↑

yes.
J

See memo

Memorandum

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Holmes
Gandy

to

Mr. Mohr

DATE: June 5, 1964

FROM

C. D. DeLoach

SUBJECT

HARRIET VAN HORNE
CRITICISM OF FBI
NEW YORK WORLD-TELEGRAM AND THE SUN
DATED MAY 26, 1964

Reference Mr. Jones' memorandum to me dated 5-27-64 in captioned matter. Harriet Van Horne, in referring to the Kennedy assassination, mentions several specific questions that she believes will be argued by historians for years. She referred to the ineptitudes of the Dallas Police Department, the Secret Service and the "arrogant, above-the-fray attitude of the FBI." She added, "In a democracy there is no place for secret police, however holy their reputation." It was recommended that I talk with Walker Stone, Chief Editor of the Scripps-Howard Newspapers, regarding this woman.

I talked with Walker about this matter on 6-3-64. I told him it seemed rather strange to see one of the Scripps-Howard columnists taking off against the FBI without some justifiable reason. He agreed. He stated that although he would get in touch with his New York Office and have this woman set straight.

ACTION:

For record purposes.

- 1 - Mr. Belmont
- 1 - Mr. Sullivan
- 1 - Mr. Rosen
- 1 - Mr. Jones

COPY SENT TO MR. TOLSON

CDD:saj
(6)

11 JUL 17 1964

74 JUL 1 1964

UNITED STATES GOVERNMENT

EXHIBIT G

Memorandum

TO: Mr. Mohr
FROM: C. D. DeLoach

DATE: March 4, 1964

SUBJECT: THOMAS GETTINGS BUCHANAN, JR.
INTERNAL SECURITY - C

At 2:30 p. m., 3-3-64, Jerry O'Leary of the Washington Evening Star, who is very friendly, telephoned and talked to Wick. He said that one of the top officials of The Evening Star is in Paris and reported to officials in Washington that above-captioned is writing scurrilous stories about Lee Harvey Oswald in a Paris newspaper, L'Express. The articles primarily deal with the claim by Buchanan that Oswald was an informant of the FBI.

O'Leary said it is the belief of officials of the Star that this Buchanan is the same man who was fired by the Star in 1948 when he admitted he was a member of the Communist Party in Baltimore. O'Leary asked if he could be confidentially told whether this was the same man so that the Star official in Paris could be so informed.

ACTION TAKEN:

After checking, and reviewing files 100-354341 (which is an investigative file on the subject), it was determined that we are fully aware of subject's presence in Paris where he has resided since October, 1961, and has been employed in the electronics field for Le Materiel Telephonique. He also has written a couple of books and CIA advised that subject describes himself as "a famous American communist journalist." FBI Agents have interviewed subject on several occasions between 1952 and 1957. He has told us he resigned from CP membership prior to August, 1956, because of loss of interest. He has publicly admitted in 1948, after he was fired from the Star in Washington, that he was a member of the CP.

O'Leary was told that the man in Paris currently writing articles about Oswald is the same individual who was fired by the Star in March, 1948.

The above is for record purposes.

- 1 - Mr. Belmont
- 1 - Mr. Sullivan
- 1 - Mr. Jones

REW:saj
(5)

7 MAR 25 1964

105-82555-UNREC.
NOT RECORDED
193 MAR 23 1964

*OK. Also give to O'Leary
the release re Oswald's
Party mod being in L'Exp.*

SUBV. CONTROL

Memorandum

TO : Mr. Belmont

DATE: November 27, 1963

FROM : C. A. Evans

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

Tolson ✓
DeLoach ✓
Mohr ✓
Casper ✓
Callahan ✓
Conrad ✓
Felt ✓
Gale ✓
Rosen ✓
Sullivan ✓
Tavel ✓
Trotter ✓
Tele. Room ✓
Holmes ✓
Gandy ✓

Deputy Attorney General Katzenbach telephoned last evening. He said that he recognized the tremendous task which faced the Bureau in getting out the reports in this matter. He asked, however, if we could give him some idea as to when they might be coming over to him. He particularly noted that he did not want his call regarded as any kind of a pressure for speed, because he knew it was more important to have them done right and this would take time. Nevertheless, he is trying to make plans to handle this in the Department. To this end he has assigned attorneys to review the published material, particularly the rumors and speculations that have been printed in the press. These are being compared with those contained in telegrams and letters received in the Department.

In this regard, Katzenbach has noted that there are many extremes. For example, he said one telegram had been sent to the Department by a private citizen stating that Oswald must have had accomplices in killing the President because Oswald was not a sufficiently talented marksman to have committed the crime alone. Katzenbach recognized that obviously no report can resolve minutia of this kind but he cited it as the extremes to which the speculation has gone.

One of the dangers which Katzenbach sees is the possibility that the state hearing to be held in Texas may develop some pertinent information not now known. In an effort to minimize this, he is having Assistant Attorney General Miller confer with the state officials in Texas in an effort to have them restrict their hearing to the proposition of showing merely that Oswald killed the President, together with any inquiry the state feels necessary as to the activities of local authorities. He hopes to avoid the state hearing going into the question of motive or trying to resolve the communist angle. He, of course, at this time does not know how successful these efforts will be.

As a sidelight, Katzenbach said he had learned on an extremely confidential basis that Abe Fortas, the Washington lawyer, had been in

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan

CAE:vap
(8) 11 1963

XEROX

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DEC 11 1963

Section 21

November 25, 1963

10:30 a.m.

TELEPHONE CALL
THE PRESIDENT TO
J. EDGAR HOOVER

Pres.

Two things. Apparently some lawyer in Justice is lobbying with the Post because that's where the suggestion came from for this Presidential Commission which we think would be very bad and put it right in the White House. Now we can't be checking up on every shooting scrape in the country, but they've gone to the Post now to get them an editorial, and the Post is calling up and saying they're going to run an editorial if we don't do things. Now we're going to do two things and I wanted you to know about it.

One: We believe that the way to handle this as we said yesterday -- your suggestion -- that you put at every facility at your command, making a full report to the Attorney General and then they make it available to the country in whatever form may seem desirable.

Second: It's a state matter, too, and the State Attorney General is young and able and prudent and very cooperative with you -- he's going to run a court of inquiry which is provided for by a state law and he's going to have associated with him the most outstanding jurists in the country. But he's a good conservative fellow and we don't start invading local jurisdictions that way and he understands what you're doing and he's for it, and I wanted you to understand what he was doing, and he's very strong for it and he's going to announce it today. Now if you get too many cooks messing with the broth it makes -- mess it up. And I think that these two are trained organizations and the Attorney General of the state holds Courts of Inquiry every time a law is violated, and the FBI makes these investigations. So I wanted you to know that and you ought to tell your press men that that's what's happening and they can expect Waggoner Cary the Attorney General of Texas to make an announcement this morning, to have a state inquiry and you can offer them your full cooperation and vice versa, he'll do it with you.

JEH

We'll work together on it.

Copy LBJ Library

Pres. And any influence you got with the Post, have them point to them that you don't want too many things and just picking out a Tom Dewey lawyer from New York and sending him down -- hunting new facts -- this Commission thing. Mr. Herbert Hoover tried that and sometimes a Commission that's not trained hurts more than it helps.

JEH It's a regular circus then.

LBJ That's right.

JEH Because it'll be covered by TV and everything like that.

LBJ Just like an investigating committee.

JEH Exactly. I don't have much influence with the Post because I frankly don't read it. I view it like the Daily Worker.

LBJ You told me that once before.
I just want your people to know the facts, and your people can say that and that kind of negates it, you see?

JEH Yes sir.

LBJ Thank you

JEH Thank you, Mr. President.

5716

11:30 a.m.

November 25, 1963

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. MOHR
MR. CONRAD
MR. DE LOACH
MR. EVANS
MR. ROSEN
MR. SULLIVAN

I called Mr. Walter Jenkins at the White House and advised him that we had killed the editorial in the Post. I said the matter had been discussed with Mr. Friendly, the managing editor.

I further advised Mr. Jenkins that Mr. Friendly had said it had been discussed; that they did not think the report ought to be released by the Attorney General or anyone in the Department of Justice; that it should be released either by the President or some distinguished jurist who would review it.

Mr. Jenkins asked what I thought of this, and I said I thought we ought to see how the report shapes up; as it looked at the moment, I thought it probably would be better to have it released by the President; that yesterday the President felt it should be kept in the Department of Justice; but from the attitude of Friendly, his feeling is that in the country there is so much feeling against the Attorney General it might not be accepted as the complete and true picture notwithstanding the fact the investigation was made by the FBI. I said, in view of the Post's position which they naturally would have, it seemed to me the reports as will submit will have all the exhibits and could very readily be made available to the press by either the Attorney General or the President.

Mr. Jenkins said he presumed the report will be pretty conclusive; almost speak for itself. I said it would; that the main one on the assassination we can probably have ready within the next twenty-four hours but I

JEH:rm (12)

NOV 27 1963

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Malone _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Mr. Hoover

FBI

Sullivan

Memorandum for Messrs. Tolson, Belmont, Mohr, November 20, 1963
Conrad, DeLoach, Evans, Rosen, Sullivan

5747

I think we should hold that until we get the report on the Oswald situation; in that case it may be a situation where he has been made a martyr by being shot by Ruby. I stated that I am aiming for a deadline of Wednesday of this week for a report on both.

I also advised Mr. Jenkins that we are getting in touch with District Attorney Wade in Dallas and offering any assistance and all cooperation which we understand he will give us. I said there can be no doubt at all from a technical point of view that Oswald bought the gun from a mail-order house in Chicago; handwriting identified; came to a post office box in Dallas maintained by his mother; had the gun at his house; his wife admitted gun was there but couldn't identify gun; but on morning of the assassination, the men who picked Oswald up to bring him to work said Oswald carried a package wrapped in brown paper; he asked Oswald what was in the package and Oswald said they were curtain rods the lady had given him as he was going to decorate his own house with them; and the paper was found in the bulleting, together with the gun and three shells. I told Mr. Jenkins that Oswald had four shells and only fired three shells; that we have one complete bullet found on the stretcher on which the President was carried into the hospital, which apparently fell out of the President's head; that the other two bullets were pretty well broken up but sufficiently complete to allow us to identify them as being the three fired by this particular gun.

Mr. Jenkins stated this is very conclusive. He said he would advise President Johnson about it and that the President will be very pleased.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. O.
TIME 5:35 P.M.
DATE 11/25/63
BY J. H.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

-v-

UNITED STATES DEPARTMENT OF JUSTICE,
et al.,

Defendants

Civil Action No. 75-226

DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTIONS TO STRIKE, TO COMPEL ANSWERS
TO INTERROGATORIES, FOR PRODUCTION OF
DOCUMENTS, AND RESPONSE TO MOTION TO
POSTPONE CALENDAR CALL AND STAY ALL
FURTHER PROCEEDINGS

On February 19, 1975, plaintiff filed this suit under the Freedom of Information Act, as amended, 5 U.S.C. 552, seeking disclosure of the spectrographic analyses and other tests made by the F.B.I. for the Warren Commission in connection with the investigation into the assassination of President John F. Kennedy, as well as any tests made by the Atomic Energy Commission in connection with said investigation.

On March 14, 1975, plaintiff and his attorney met with representatives of the F.B.I. for the purpose of specifically identifying the scope of plaintiff's request. ^{*/} Defendants attach

^{*/} Plaintiff's attorney was advised by correspondence prior to filing of this action that the Atomic Energy Commission (now Energy Research and Development Administration) provided to him

was served with plaintiff's motion to strike the Kilty affidavit on grounds, inter alia, of bad faith, and other discovery-related motions calculated to probe behind defendants' assertions of good faith compliance with plaintiff's Freedom of Information Act request. Plaintiff alleges in his motion to strike and attached affidavit that the Kilty affidavit is deliberately deceptive, not based upon personal knowledge, and should have been made by Special Agent Robert A. Frazier who plaintiff believes is still an active agent with the F.B.I. Laboratory. Defendants respectfully inform counsel and the Court, however, that Special Agent Robert A. Frazier retired from the F.B.I. on April 11, 1975 after thirty-three years, ten months and three days service, and that supervisory Special Agent Kilty is the most knowledgeable active service Special Agent to give this testimony on behalf of the F.B.I.

In the motion to strike (pp. 2-3), plaintiff also alleges the existence of certain documents which he claims have not been provided by the F.B.I. In a sense, plaintiff could make such claims ad infinitum since he is perhaps more familiar with events surrounding the investigation of President Kennedy's assassination than anyone now employed by the F.B.I. However, in a final attempt to comply in good faith with plaintiff's request, a still